
Agenda
Regular Meeting
August 27, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, Public Works Director Mike Shaw, Assistant Public Works Director Lester Dalton, Community Development Director Drew Ellerman, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, Police Chief Jim Keith, Audience: Arron Baker, Burke Staheli, Tina Hender, Philip Hender, Jim Raines, Justin Schock, Mari Smith

Mayor Kenneth Neilson explained the meeting will be ending at 7:00 P.M. in order to attend the benefit for the recent flood victims at the Community Center.

Meeting commenced at 6:00 P.M.

Invocation: Councilman Seegmiller

Pledge of Allegiance: Councilman Nisson

1. APPROVAL OF THE AGENDA

Councilman Turek made a motion to approve the agenda with the changes as follows: Item 7A to follow Item 5A, Items 6E and 6F to follow Item 6B. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Nay</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

A. Introduction of 37th Annual Hershey's Track & Field North American Final for the 100 Meter Dash for the Girls 9-10 year olds. Mayor Kenneth Neilson

Mayor Neilson introduced Arden Lefemina. She won the 100 Meter Dash Nationally. He presented her with a certificate, and dedicated the day as Arden Lefemina Day.

Principle Burke Staheli stated Arden competed in the Local, State, and finally she competed Nationally, and won the 100 Meter Dash, and was the first person from Southern Utah to win one of the meter events.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

Councilman Truman stated he would be abstaining from Item 6B.

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 8/12/14 and 8/13/14.

Councilman Truman made a motion to approve the minutes of the consent agenda. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

SUBDIVISION NAME CHANGES

A. Consideration to approve a Subdivision Name Change from The Escapes at Sunrise Estates to The Estates at Green Spring, located at approximately 1300 West 1700 North. Applicant: Brennan Holdings LLC #100

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Preliminary Plat for a Name Change of The Escapes at Sunrise Estates subdivision, and now wishing to have it called The Estates at Green Spring subdivision which is located at approximately 1300 East 1700 North. The applicant is stating that the only change is the name, and that the original proposal of developing 31 lots on an area covering 26.39 acres has not changed.

The location of this particular project is zoned Single Family Residential 15,000 square foot min. (R115). The surrounding zoning is R-1-8, R-1-10 and R-1-12 to the north and east, Open Space to the west, and PUD (Northbridge Estates) to the south.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the requested name change and recommends approval, with the original conditions still in effect, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Amended Preliminary Plat for a Name Change for The Escapes at Sunrise Estates to the new name of The Estates at Green Spring subdivision to the City Council, based on the following (original) findings and subject to the following (original) conditions.

Findings:

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions:

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent crosslot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

B. Consideration to approve a Subdivision Name Change for a portion of The Escapes at Sunrise Residents to The Reserve at Green Springs, located at approximately 1200 West 1700 North. Applicant: Brennan Holdings LLC #100

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Preliminary Plat for an area change and Name Change of The Escapes at Sunrise Residences subdivision, and now wishing to split the

original preliminary platted area into two smaller portions, this particular preliminary plat area will now be called The Reserve at Green Spring which is located at approximately 1200 West 1700 North. The applicant is wishing to develop 82 lots, in "The Reserve" portion, this is an area covering approximately 27.50 acres.

[note: the original The Escapes at Sunrise Residences, was
platted as a 179 lot subdivision on an area of 67.75 acres]

The location of this particular project is zoned Single-Family Residential - 8,000 square foot min. (R-1-8). The surrounding zoning is R-1-15 to the south, Open Space to the north and west, and R-1-10 to the east.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the requested name change and recommends approval, with the original conditions still in effect, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Amended Preliminary Plat for an area change and Name Change from The Escapes at Sunrise Residents to the new area and new name of The Reserve at Green Springs subdivision to the City Council, based on the following (original) findings and subject to the following (original) conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

C. Consideration to approve a Subdivision Name Change for a portion of The Escapes at Sunrise Residents to The Terraces at Green Springs, located at approximately 1200 West 1700 North. Applicant: Brennan Holdings LLC #100

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Preliminary Plat for an area change and a Name Change of The Escapes at Sunrise Residences subdivision, and now wishing to split the original preliminary platted area into two smaller portions, with this particular preliminary plat area now called The Terraces at Green Spring which is located at approximately 1200 West 1700 North. The applicant is wishing to develop 97 lots, in the "The Terraces" portion, this is on an area covering approximately 40.25 acres.

[note: the original The Escapes at Sunrise Residences, was
platted as a 179 lot subdivision on an area of 67.75 acres]

The location of this particular project is zoned Single-Family Residential - 12,000 square foot min. (R-1-12), Single-Family Residential - 10,000 square foot min. (R-1-10) and Single-Family Residential - 8,000 square foot min. (R-1-8). The surrounding zoning is R-1-15 and R-1-8 to the west, PUD (the villas at green spring) to the north, and R-1-10 to the east.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the requested name change and recommends approval, with the original conditions still in effect, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Amended Preliminary Plat for a change in the name from The Escapes at Sunrise Residents to the new name of The Terraces at Green Spring subdivision to the City Council, based on the following (original) findings and subject to the following (original) conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions:

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

D. Consideration to approve a Subdivision Name Change from The Escapes at Sunrise Villas to The Villas at Green Springs, located at approximately 1000 West 1900 North. Applicant: Brennan Holdings LLC #100

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Preliminary Plat for a Name Change of The Escapes at Sunrise Villas subdivision, and now wishing to have it called The Villas at Green Spring subdivision which is located at approximately 1000 East 1900 North. The applicant is stating that the only change is the name, and that the original proposal of developing 116 lots on an area covering 28.67 acres has not changed.

The location of this particular project is zoned Planned Unit Development (PUD). The surrounding zoning is R-1-8, R-1-10 and R-1-12 to the west, south and east, and Open Space to the north.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the requested name change and recommends approval, with the original conditions still in effect, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Amended Preliminary Plat for a Name Change from The Escapes at Sunrise Villas to the new name of The Villas at Green Spring subdivision to the City Council, based on the following (original) findings and subject to the following (original) conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller asked for clarification on the location of each portion of the subdivisions, along with their name changes.

Community Development Director Drew Ellerman reviewed the locations with Council.

Councilman Seegmiller made a motion to approve the subdivision name changes portion of the consent agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. SPECIAL EVENT

A. Consideration to approve a Special Event Application to the American Foundation For Suicide Prevention for their “Out of the Darkness Annual Walk” at the Highland Park, on September 27th from 9A.M. to 1P.M. Applicant: Tina Hender, Board Member of Utah Chapter

Tina Hender stated this is the 3rd year holding the event. It is a silent, somber walk to honor their loved ones who have committed suicide.

Councilman Turek made a motion to approve a Special Event Application to the American Foundation For Suicide Prevention for their “Out of the Darkness Annual Walk” at the Highland Park, on September 27th from 9A.M. to 1P.M. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for the consideration to approve a Zone Change application Z-14-08, requesting to change the present zone from OS (Open Space) to R-1-6 (Single Family Residential 6,000 sq. ft. minimum lots), the property is located at approximately 4600 South 1200 East, east of The Meadows at Stucki Farms. Applicant: Justin Schock

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to change the zoning of approximately 41.22 acres, located approximately at 4600 South 1200 East (just east of The Meadows @ Stucki Farms). The requested change is from the current zoning of Open Space (OS) to a proposed Single-Family Residential - 6,000 sq. ft. min. (R-1-6) zoning designation.

The General Plan Land Use Designation for this location is Medium Density Residential (MD). The surrounding General Plan Land Use Designations are Park (P) to north, Medium Density Residential (MD) to the west, Medium High Residential to the south, and Open Space (OS) to the east.

The surrounding zoning designations are Open Space (OS) to the north and east, and Planned Community Development (PCD) (the Stucki Farms master planned area) to the south and west.

The applicants are wishing to rezone this property to the Single-Family Residential - 6,000 sq. ft. min. (R-1-6) for the purpose of future development.

Staff has reviewed the requested zone change and finds it to conform to the General Plan, the Zoning Ordinance and surrounding proposed development.

The Planning Commission unanimously recommended approval of Z-14-08, for the zone change request from Open Space (OS) to the proposed Residential - 6,000 sq. ft. min. (R-1-6) zoning designation, to the City Council, based on the following findings below:

Findings:

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. The the utilities that will be necessary for this type of development will be readily accessible to the site.

Councilman Staheli asked what the General Plan designation is for the property.

Community Development Director Ellerman explained the General Plan shows Medium Density, which is R-1-8, R-1-6 and R-2.

Councilman Seegmiller asked for the average density surrounding the requested property.

Community Development Director Ellerman reviewed the adjacent property zoning designations as well as the General Plan for the area.

Councilman Staheli asked for clarification on the access to this project.

Community Development Director reviewed the access points on a map.

Councilman Staheli asked if this zone change were approved, would we require two access points in the first phase.

Community Development Director Ellerman stated they would have to review the subdivision at the point of application.

Councilman Staheli asked if there were any concerns from surrounding property owners.

Community Development Director Ellerman stated they had one individual come to the Planning Commission meeting.

Councilman Staheli asked Staff how many lots would be on the property.

Community Development Director Ellerman explained they have a maximum for the zone they are requesting, but they will have to see how many lots they are able to get once they begin the design phase.

No public comments were made.

Councilman Seegmiller made a motion to close the public hearing. Councilman Staheli seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an Ordinance approving Zone Change request Z-14-08, changing present zone from OS (Open Space) to R-1-6 (Single Family Residential 6,000 sq. ft. minimum lots).

Councilman Seegmiller made a motion to approve an Ordinance approving Zone Change request Z-14-08, changing present zone from OS (Open Space) to R-1-6 (Single Family Residential 6,000 sq. ft. minimum lots). Councilman Staheli seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Public Hearing for consideration to approve an Ordinance adopting the Washington City Transportation (Capital Facilities) Master Plan and Transportation Impact Fee. Public Works Director Mike Shaw

Public Works Director Mike Shaw gave a brief overview of the Plan.

Arron Baker with Horrocks Engineers reviewed a powerpoint presentation with the Council.

Mari Smith, with Utah Home Builders Association, stated they just had the opportunity to review the plan in detail, which she submitted comments today. There were three options proposed, they would be in support of the 8% decrease. However, they would be opposed to the 29% increase until she had her concerns addressed. She would like to ask for the item to be tabled to give staff time to address those concerns.

Councilman Staheli stated he did not receive those questions and comments. However, he would be willing to look at those items.

Ms. Smith stated Washington City has the highest impact fees, and builders are willing to pay them. However, she feels we should come up with the money in other ways besides just impact fees. Low impact fees spur growth.

Councilman Turek stated the problem you find is additional growth needs additional roads.

City Manager Carter stated a Capital Facilities Plan is done accurately showing there is a reason behind the fees proposed.

Councilman Turek stated if we are looking at building an interchange the cost will obviously be much higher than a frontage road.

Ms. Smith stated existing homeowners should have to be responsible for those additional roads as well.

Councilman Turek stated the expense of new roads is because of the additional growth.

Jim Raines asked if the long term and short term projects are included in the impact fee.

Mr. Baker stated the three options show different items, but all the long term items are not funded.

Mr. Raines stated he has an issue with some of the roads being funded before other higher priority roads.

Public Works Director Mike Shaw reviewed a map with Council showing the proposed roads for the short and long term plans.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>

Councilman Turek Aye

*Councilman Turek re-motined to continue the public hearing to September 24, 2014.
Councilman Truman seconded the motion; which passed with the following roll call vote:*

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

D. Consideration to approve an Ordinance adopting the Washington City Transportation Master Plan and Transportation Impact Fee. Public Works Director Mike Shaw

Councilman Seegmiller asked for clarification on the three different options.

Public Works Director Mike Shaw stated the difference in the price is the number of permits spread out over the additional year. The previous Council opted to go with the lower impact fee, and we have since been playing catch up. Roads are extremely expensive, and we cannot keep pushing them off.

Councilman Seegmiller made a motion to continue the consideration to approve an Ordinance adopting the Washington City Transportation Master Plan and Transportation Impact Fee to September 24, 2014. Councilman Nisson seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

E. Public Hearing for consideration to approve an Ordinance adopting the Washington City Public Safety Capital Facility Plan Impact fee. Police Chief Jim Keith

Steve Hall with Sunrise Engineering stated he has worked with Southern Utah Home Builders Association with regard to their concerns to the Capital Facility Impact Fee. He reviewed those changes with the Council.

Councilman Seegmiller asked if there are any other objections, which need to be resolved.

*Councilman Staheli stepped out of the meeting at 7:01 P.M.

Mr. Hall stated he believes all of the concerns have been addressed.

No public comments were made.

Councilman Seegmiller made a motion to close the public hearing. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

F. Consideration to approve an Ordinance adopting the Washington City Public Safety Capital Facility Plan and Impact Fee. Police Chief Jim Keith

*Councilman Staheli returned at 7:06 P.M.

Council asked for clarification on the option 2 which includes Park Fees.

City Manager Carter stated the Park Impact Fee will be coming before Council in the next couple of months. However, this fee would not be effective until November due to the noticing requirements. The park fees can be changed in the fee schedule, which he reviewed with Council.

Councilman Truman made a motion to approve an Ordinance adopting the Washington City Public Safety Capital Facility Plan and Impact Fee with the inclusion we maintain revenue neutral for parks. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. ORDINANCES

A. Continuation of a Consideration to approve an Ordinance adopting the Washington City Stormwater Capital Facilities Master Plan. Public Works Director Mike Shaw

Assistant Public Works Director Lester Dalton briefly reviewed the Ordinance with the Council. Extensive conversations have taken place with Southern Utah Home Builders as well as their Attorney, he believes their concerns have been addressed.

Councilman Seegmiller asked if the Citywide Fee is reflected in the Ordinance.

Assistant Public Works Director Dalton stated he has prepared an Ordinance for both the

Citywide Fee and the per area fee, therefore, Council can determine which direction they would like to go.

Councilman Truman asked about a letter they just received from Snow & Jensen.

City Attorney Starkey stated he just received the letter at the same time as Council. However, he does not believe the letter will affect the adoption of the ordinance at this time to the effect he does not believe a zonal fee is going to be adopted.

Councilman Staheli stated if Council moves forward with a Citywide fee, there is an overall deduction. Therefore, if the issue is the zonal fee would make them pay less, it would not be relevant.

Mr. Zach Renstrom from Bush and Gudgell stated he did not write the letter, however he is familiar with the letter. He is working for Stucki Farms, and they are in the process of creating a large plan for drainage. Under the old plan, they would receive credits for doing the storm drainage, however, under the new plan, there are no credits given.

Councilman Turek asked if the drainage is addressed in the development agreement.

Mr. Renstrom stated the storm drainage is not specifically called out in the development agreement.

Councilman Turek stated these issues are generally based on the development agreement, and should not be affected by this approval.

Councilman Seegmiller clarified with the new proposal, there is an overall reduction through the City.

Mr. Renstrom stated in the old proposal there was a large storm drain they were going to install, in turn they were going to receive credits. However, it is now not included in the plan, so they will not get credits for the installation.

Councilman Staheli asked if their project is included in the storm drain plan.

Assistant Public Works Director Dalton confirmed the Planned Community Development is included in the plan.

Councilman Seegmiller asked if these are credit eligible improvements.

Assistant Public Works Director Dalton stated Staff would have to review the project. Their project has been included in the plan, so the fee is reflective. If we were to leave their project out of the plan, then the overall fee would have been increased. He reviewed the previous plan with Council.

Councilman Staheli asked what was agreed upon in the previous phases.

Assistant Public Works Director Dalton reviewed the plan for Stucki Farms with the Council.

Mr. Renstrom stated there are going to be millions of dollars in storm drainage being placed.

Karl Larson stated they want to do what is fair. They have installed storm drain lines, because they were asked to do so. The development had to be redone because of the different changes in the project. He reviewed the project history with Council. They are spending millions of dollars on ponds and parks to help with the drainage. They want to be good neighbors and pay their fair share, but there's a lot of land being lost to the Airport Protection and the Southern Parkway.

Jim Raines explained the project impact credits to Council. There are items not in the plan now, but are being done, which they will miss out on credits.

City Attorney Starkey stated the credits should be given. However, the projects was left out, which means credits cannot be given.

Councilman Turek asked if it would be appropriate to deny the request and start again, if the fees are going to change.

Councilman Nisson suggested having a grandfather clause for the older developments, which have already started.

Councilman Seegmiller agreed, he is not certain a continuance would be sufficient.

City Attorney Starkey stated he is not sure if there is an option at this point. Especially if there are developments left out of the plan.

City Manager Roger Carter clarified Council would like Staff to look at the developments where credits were going to be given under the old plan.

Councilman Seegmiller agreed he feels this would be the most appropriate.

Councilman Turek made a motion to deny an Ordinance adopting the Washington City Stormwater Capital Facilities Master Plan. Councilman Seegmiller second the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8. ADJOURNMENT

Councilman Turek made a motion to adjourn the meeting. Councilman Seegmiller second the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

Meeting adjourned at 7:34 P.M.

Passed and approved this 24th day of September 2014.

Washington City

Attest by:




Kenneth F. Neilson, Mayor



Danice B. Bulloch, CMC
City Recorder

